IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 26TH OCTOBER 2007 / 4TH KARTHIKA 1929

Crl.Rev.Pet.No. 524 of 2002()

AGAINST THE JUDGMENT IN CRA.182/1996 of SESSIONS COURT, MANJERI IN MC 172/1996 OF JFCM, PARAPPANAGADI

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REVN. PETITIONER: APPELLANT/ACCUSED:

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1. VATTAPOYIL MOHAMMED,
S/O. MOIDEEN, MANJERI.

2. MULATHIPILAKKEL ABDU SAMAD,
S/O. MOHAMMED, NARUKARA, MANJERI.

BY ADV. SRI.K.M.SATHYANATHA MENON
SRI.C.N.SAMEER

RESPONDENTS: COMPLAINANT/STATE:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 26/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.R.P.NO.524/2002

ORDER ON CRL.M.P.NO.3409/2002 IN CRL.R.P.NO.524/2002

DISMISSED

26.10.2007 SD/- K.R.UDAYABHANU, JUDGE

/TRUE COPY/

P.A. TO JUDGE

K.R.UDAYABHANU, J

Crl.R.P.No.524 of 2002

Dated this the 26th day of October, 2007

O R D E R

The revision petitioners are the counter petitioners in M.C.No.172/96 initiated by the Judicial First Class Magistrate Court, Parappanangadi under Section 446 Crl.P.C. as they failed to produce the accused for whom the revision petitioners are the sureties. It is mentioned that the counter petitioners/revision petitioners evaded notice and hence, they are imposed with a penalty of Rs.10,000/- each, the bond amount. The accused was involved in C.C.No.309/95 with respect to the offences under Sections 279 and 304 A IPC. It is their version that notice was not served and hence they had no opportunity to explain their case but it appears that the matter was considered by the Sessions Judge in detail. They could not produce the accused.

2. In the circumstances, I find that there is no merit in the contention of the revision petitioners that they are not served notice. All the same, considering the matter is of the year 1996 and also by considering the plea of the revision petitioners that

they are too poor to raise the amount, the amount of penalty is reduced to Rs.5,000/- each.

3. It is submitted that as per the order of this court while suspending the operation of the order Rs.5,000/- each has already been deposited. If so they would not be liable to deposit any further amount.

The criminal revision petition is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE

csl